

## APPROACHING THE ARCHANGELIC?

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It must have come as a surprise if not a shock, to the ten thousand civil servants, who serve the Scottish Office, in Edinburgh and elsewhere, to learn from the Royal Commission on the Constitution (1973)<sup>1</sup> that the majority of Scots interviewed did not know of the Scottish Office.<sup>2</sup> Worse still, of those who did profess knowledge of the Scottish Office most were ignorant of its functions and responsibilities. It is a not very reassuring commentary on Scottish politics and education in all its forms that such ignorance should exist, forty years after the transfer of that office from London to Edinburgh.

Nor can those of us who have acted as the political head of the Scottish Office draw comfort from imagining that a question about the Office of Secretary of State would have evoked a more enlightened response. A name might have been forthcoming but there would have been the same vagueness about his responsibilities.

Nor should one wonder at public ignorance. Even M.P.s, and Nationalists at that, have been known to direct questions and letters to English ministers on matters that have long been the responsibility of the Secretary of State.

The office of the Secretary of State for Scotland is presently at the centre of a great constitutional debate. Where do we go from here? Before an intelligent answer can be given to that question it is as well surely to know where we are; and how we got here.

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In Scotland we have some ancient and hallowed public offices. That of Secretary of State for Scotland is not one of them. It has no long historic tradition; it does not carry the prestige of centuries nor is it stamped with the authority of an

ancient line of illustrious holders. It is a fairly new creation. Before the Treaty of Union, the King had effectively ruled Scotland through Commissioners. After 1707 a Secretary of State was appointed and exercised the powers of the old Scottish Privy Council. With the threat to the Union and the established succession brought about by the outbreak of the '45 rebellion, the post lapsed and was abolished, "in the interests of national unity". The more fashionable expression today would be "conciliation". I would not have been surprised if someone had recently proposed a similar step as a contribution to the resolution of our current national controversy.

For a century and a half after 1746 the affairs of Scotland were taken over by a series of 'managers'; the Duke of Argyll and his brother Lord Islay, together with the Dundasses, became virtual despots. They operated through the Lord Advocate. He gradually assumed the powers of the abolished office of Secretary for Scotland and worked in association with the Home Secretary.

The statutes accorded power to the Home Secretary, but under the Treaty of Union the Lord Advocate had retained the monopoly power of prosecution. In fact, Lord Advocates acted far beyond their legal powers. Politically ambitious advocates may regard the monument to Lord Melville (King Harry the Ninth) with longing, and hope for the return to the days when the Lord Advocate was the undisputed power in the land. Well, hope is not an impeachable offence! Some may see the possibility of restoring his political status in a devolutionary settlement by stripping the Secretary of State of his powers and enhancing the position of the Lord Advocate as a U.K. minister.

As the 19th century advanced, dissatisfaction with the casual treatment of Scottish affairs grew. Scotland was changing fast. Social and political unrest fed on and was brought to the surface by rapid industrialisation. Extensions of the franchise, granted grudgingly belatedly and partially, did not still the clamour for reform. Edinburgh was the centre of the agitation for a separate Scottish Office with a Scottish minister who had of right a seat in the Cabinet. It was Lord Rosebery who fought this through to success or partial success. The Prime Minister, Mr Gladstone, preoccupied with the problems of Ireland was a reluctant supporter. But he refused to concede the right of the proposed new Scottish minister to a seat in Cabinet. Bills to effect the change were introduced in 1883 and 1884. They were thrown out. In 1885 Rosebery tried again. He got his Bill through the

Commons — then the government collapsed. Lord Salisbury formed a Tory administration. He gave Rosebery's unfinished Secretary for Scotland Bill his blessing and asked him, though now out of office, to pilot it through the Lords.

The Scottish Office was thus the outcome of a Tory/Liberal agreement. In 1885 the Secretary for Scotland Act became law bearing the full title, "An Act for appointing a Secretary for Scotland and Vice-President of the Scotch Education Department". The inclusion of the takeover by the Scottish Secretary of the Scottish education system was hotly disputed, not least by the Kirk and the Educational Institute of Scotland! Rosebery also used the Bill to annex for the Scottish Secretary the office of Keeper of the Great Seal of Scotland which was then vacant. Perhaps Rosebery was aware of the novelty and relative meagreness of the new position and sought to endow it with some of the splendour of the past and link it with the "Auld Sang". Lord Boothby, deploring the lack of 'presence' of the Secretary of State, once said that he would race through Scotland, his limousine escorted by police and all flags flying. The only flag the Secretary of State has the right to fly the pennant of the Keeper of the Great Seal!

The Scottish Office was established, but not in Edinburgh. It began in Dover House, a mansion in Whitehall that had been the town house successively of the Duke of York, Lord Melbourne's family, (the Lambs) and Lord Dover. It was Crown land, the lease was up, and it had reverted to the Crown. The Prime Minister assigned it to the first Scottish Secretary. He meant it as a *douceur* for the post did not carry Cabinet status, and the salary was less than the Lord Advocate's. Dover House was an undoubted bonus. It is still the London base of the Secretary of State for Scotland who is much envied by his colleagues. It retains its spacious elegance; its Doric pillars front Whitehall and at the rear, tall windows and a vine-clustered balcony look out over Horse Guards parade to St. James's Park. Successive Scottish ministers have reason to be grateful to Lord Salisbury for his impulsive generosity to his friend the Duke of Richmond and Gordon.

From the Home Office the Scottish files, (though not all of them) were transferred to Dover House. With them came the Lord Advocate who had violently opposed the idea of a separate Scottish Office or a Scottish Secretary. Two rooms were made available in Parliament House for the new Scottish

minister. In due course the Duke of Gordon travelled to Edinburgh, occupied his room and before the assembled judges was sworn in as Keeper of the Great Seal of Scotland in the Court of Session. Thenceforward every Scottish Secretary and later, Secretary of State, having taken the oath of office and received the seal thereof from the Sovereign undergoes this public ceremony in Edinburgh — then promptly hands the Seal over to an official Deputy Keeper.

The letters that passed between the Prime Minister, Salisbury, and the Duke of Richmond illustrate well the detached cynicism of the Prime Minister and the understandable reluctance of Richmond. The invitation hardly measures up to what can now be appreciated as a historic constitutional change. "What are your feelings about the Secretaryship of Scotland? The work is not heavy, but measured by the expectations of the people of Scotland it is approaching to the Archangelic. We want a big man to float it . . . I think you seem pointed by nature to be the man. It really is a matter where the effulgence of two dukedoms and the best salmon river in Scotland will go a long way." (7 Aug. 1885). Replied the Duke: — "I am quite ready and willing to take the office if you would like me to do it and think I can be useful to you. You know my opinion of the office and that it is quite unnecessary, but . . . the office has been created and someone must fill it." (9 Aug. 1885). And five days later he added an after-thought: — "I certainly never expected to have such an honour imposed on me as carrying out a measure I have unceasingly denounced — fortunately only in private." It is a matter for regret, at least by political researchers, that ministerial appointments nowadays are made at unrecorded meetings at No. 10, and that only on departure is there an exchange of letters. These tend to be in terms of studied courtesy. Their authors certainly lack the candour of these ministerial noblemen.

The Scottish Secretary took over from the Home Office, the Privy Council and the Treasury, overall responsibility for functions that were administered by statutory Boards which covered local government, fisheries, prisons and lunacy. He also took over the statutory Department of Education, to assist in the running of which he was given a permanent secretary. But with the Scottish Secretary in the Lords and the Lord Advocate in Dover House things went on much as before. The Boards were almost autonomous. The 1885 Act

gave responsibility to the new minister but left the power with the Boards and the Department of Education.

There is for all makers of written constitutions and those preparing schemes of devolution a salutary lesson in what happened under the 1885 Act. The weakness of responsibility without power was soon demonstrated. Apart from his position vis-a-vis the Board, certain important Scottish functions which impinged on the responsibilities of the Scottish Secretary had been left with the Home Office. The most notable were those classed as "law and order". The Scottish people followed with avid interest events in Ireland, but we had our own land troubles. Action against injustice is contagious (and, incidentally, around this time Michael Davitt had made a tour of the West of Scotland and addressed massive and enthusiastic audiences). In 1886 the crofters of Skye had had enough and decided to take matters into their own hands. The Home Secretary would not act; the Scottish Secretary could not act. Eventually the Cabinet had to intervene and the control of "law and order" was transferred to the Scottish Office. So in 1887, two years — and four Scottish Secretaries — after the 1885 Act, the Secretary for Scotland Amendment Act had to be passed.<sup>3</sup>

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The Scottish Secretary's staff was then 34. Today it is over 10,000, of whom fewer than 100 are in London. He had his troubles with the Treasury to pay the salaries of what staff he had. His own salary was less than his Permanent Secretary's. At least in that respect the Scottish Office has not changed.

Progress towards improving the status and the inferior emoluments of the Scottish Secretary was slow. New Boards were established and were made his responsibility — one for Agriculture in 1911 and another, the Congested Districts Board (sic) to cope with the problems of the Highlands and Islands. The Scottish Office stood still whilst the Boards expanded. In 1921 action was promised "at once" to raise both status and salary. As regards the latter it was still below that of the Lord Advocate and when, as happened twice, the Lord Advocate was promoted to the post of Secretary for Scotland he had to take a cut in salary. In Parliament the words "at once" are more likely to express a hope and embrace an element of deferment than they usually do. At any rate it was not until five years later, in 1926, that the post was upgraded to Secretary of State

with an assured seat in the Cabinet. The time alas, was not propitious for the upward adjustment of the salary. For the time being the new Secretary of State for Scotland, Sir John Gilmour, was rewarded with £3,000 less than his Cabinet colleagues holding the rank of Secretary of State. That financial anomaly was not corrected till 1937.

It was fitting that Scotland's first Secretary of State was chosen in 1936 to be chairman of a committee set up by Parliament with a very broad remit "to enquire and report on the duties of the Scottish Office . . .". The Gilmour Committee made far-reaching proposals that changed radically the position of the Secretary of State as head of the administration of government in Scotland.<sup>4</sup> The recommendations were accepted by the Government and were quickly embodied in legislation. The Reorganisation of Offices (Scotland) Act 1939 is the root from which has grown the Scottish Office as we know it today.

The Departments of Agriculture, Health, Education, together with the Home Department, each of which was to have a permanent secretary at its head, were transferred to the Secretary of State. Similarly with Fisheries and Prisons. And most important of all, the administration was to be conducted from Edinburgh. Dover House remained, but only as a branch office: the London base of the Secretary of State and his ministers when Parliament was in session, and housing the staff which handled the day to day work of parliamentary business and relations with other Whitehall departments.

A year later St. Andrew's House was opened and the Secretary installed in his office on the fifth floor, with rooms for his Under Secretaries and chief officials nearby. The Secretary of State's office had solid dignity with walls panelled in Scottish walnut said to have been cut from a single tree planted by Mary Queen of Scots. Dover House had its more substantial tales of Lady Caroline Lamb and Lord Byron so we should not begrudge St. Andrew's House a link with Scotland's romantic past: better for a sensitive Secretary of State to let his mind wander down that path of history than recollect the reality that his office was built on the site of the old Calton Jail.

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The years following the war saw a considerable growth of work for Government, and the Scottish Office expanded rapidly.

It was a different world with different men in command. Tom Johnston, acclaimed as Scotland's finest Secretary of State, held office only in war-time and decided to leave politics in 1945. Concepts dismissed as utopian before the war by *laissez-faire* politicians, took root and blossomed: the welfare state, town and country planning, the national health service, extended secondary education and a new deal for farmers. And Scotland did things in its own way. The basic Acts for most of the new functions as they applied to Scotland were Scottish Acts, dealt with in the Scottish Grand Committee of which every Scots M.P. was a member — and the Secretary of State had to be there. This meant greatly increased burdens of responsibility for the Secretary of State and the Scottish Office and its four departments: — Home, Health, Education and Agriculture. Apart from the legislative changes other functions were transferred to the Secretary of State. The North of Scotland Hydro-Electricity Board had been established during the war. In 1954 generation and distribution of electricity throughout the rest of Scotland (under the South of Scotland Electricity Board) became the responsibility of the Secretary of State. Following the Balfour Royal Commission<sup>5</sup> he took over from the Minister of Transport, Scottish roadways and bridges, and from the Lord Chancellor, the appointment in Scotland of Justices of the Peace.

The words of Lord Salisbury in 1885 "The work is not heavy" could no longer apply. The Scottish Office expanded to match the new workload. So did the Secretary of State's ministerial team. A second Under Secretary had been added in 1940. In 1951 a Minister of State was appointed. The Earl of Home was the first man in this post. So if, as has been said, the Secretaryship of State is the graveyard of political ambitions, what a dazzling precedent Sir Alec has set for Ministers of State for Scotland!<sup>6</sup> A year later a third Under Secretary was conceded to the Scottish Office. This certainly allowed for a better distribution and delegation of ministerial work.

For a Labour Government, the appointment of a Scottish minister in the Lords presents special problems. We have so few Scots Labour Lords there. Indeed from 1945-51 there was no Scot whom the Prime Minister could appoint.

tary was given legislative power to establish the Highlands and Islands Development Board, and after the passing of the Transport Act of 1969 he set up the Scottish Transport Group with executive control over road passenger and shipping interests. An independent Scottish Tourist Board and the Scottish Countryside Commission were set up in quick succession. This emphasis on economic development led inevitably to the latest reorganisation of the Scottish Office and in 1973 the Scottish Economic Planning Department came into being. This was a response also, to the challenge of the North Sea oil discoveries of 1970-71.

It is an intriguing thought that Scottish politicians spent nearly fifty years getting rid of statutory Boards, Commissions and Departments, and, in the last thirty years have resorted time and again to that old expedient. Under, and appointed by, the Secretary of State there now are: — Commissions in respect of Crofters, Countryside, Red Deer and Crown Estates (partly); and Boards — North of Scotland Hydro Electricity, South of Scotland Electricity, Tourist, and Highlands and Islands Development. Then there are Development Corporations for each of the five New Towns, the Scottish Sports Council, the Scottish Transport Group, the Scottish Special Housing Association and the most recent, the Scottish Development Agency. This gives The Secretary of State tremendous patronage. The members of these agencies, autonomous within their statutory provisions, are appointed by the Secretary of State who under statute determines their emoluments. They are answerable to him and through him to Parliament. There is an endless search by the Secretary of State, his Ministers and advisors to find the right people and persuade them to fill these posts. A list has been made of all the appointments for which the Secretary of State is responsible. It runs to many pages and covers about 4,000 appointments. Not all of course are paid. Voluntary public service far exceeds that which carries a financial reward. There are Advisory Committees in all the main departmental fields; Panels of Assessors; Governing bodies for Central Institutions and Colleges of Education; Youth Panels, and Prison Visitors; and Justices to man the new District Courts. This catalogue is far from exhaustive. A Secretary of State once asked for a list of all existing advisory committees, and how often, and when last,

they met. The reply was illuminating. Some were defunct and he suggested that any request for another committee should be accompanied by a proposal explaining which existing one should be scrapped. No doubt the scrutiny and pruning continues.

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The groundwork of economic planning and the bringing together of all the departments involved into a team proved timely and of inestimable value. In the more traditional work of the Scottish Office and its liaison with Whitehall departments, misunderstandings can easily arise. Both at official and Ministerial level English Departments have to be reminded of the repercussions on Scotland of what they are doing or would like to do. Scotland can and often does "gang its ain gait". The fact that in Scotland so many functions are under one Minister makes agreement easier and progress quicker. Hence Scotland's legislation to reform the social work services at the end of the Sixties came before and were more comprehensive than that in England. We went ahead again with an Act to restore security of tenure to Scottish tenant farmers. England and Wales have not yet caught up. The same is true of the Act establishing the Scottish General Teaching Council. English teachers would like the same control over their profession but such control is not even in sight. Scotland can lead. But it requires the Secretary of State to establish contact, understanding and confidence with his Whitehall counterparts and the U.K. ministers operating in Scotland.

Co-operation and understanding in the industrial field was well tested before the discovery of oil in the North Sea brought new opportunities and problems for Britain. Complete understanding of their respective spheres, agreement on policies and exchange of information have proved absolutely essential between the Secretary of State for Scotland and the Energy Minister. The Department of Energy is in charge of the negotiations with the oil companies and the technical aspects of licencing, exploration and exploitation of the oil. All the on-shore problems have come to rest with the Secretary of State — planning permission for developments, often in unspoiled coastal and loch areas, and for the back-up roads and housing in these remote places — indeed for all the most immediate

and expensive support that on-shore projects demand. Then there are the natural fears of pollution and the devastation of the environment and the effect on traditional industries.

In 1972 a Standing Conference was set up. It brings together the oil companies, local authorities affected, relevant government departments and other interests. All must be kept in the picture, and allowed to discuss their problems, and examine proposed solutions. An Oil Development Council was also established on a Scotland wide basis to monitor progress and examine the problems thrown up. The Scottish Office and the Department of Energy alternated in providing a ministerial chairman. This is a field in which each department must understand and appreciate the other's interests. The Scottish Secretary must be firm in defence of Scotland's long term interests. Clash and conflict has to be avoided or resolved without a build up of department resentment. I perhaps was fortunate. When I took over in early 1974 the Minister appointed to Energy was a close friend (Eric Varley) and later his junior minister was a man who had been my Parliamentary Private Secretary at the Scottish Office. By personal contact and without any other ministerial intervention, full understanding over a wide range of policies was reached. It was by such collaboration that the decisions were taken to move the Offshore Supplies Office to Glasgow and to make Glasgow the headquarters of the National Oil Corporation.

Of course, not all conflicts of interest can be so amicably settled. Within agreed policy the Secretary of State must battle for Scotland's interests. When in late 1975 the future of the Chrysler Corporation was in the balance (and the same close friend was Secretary of State for Industry) the issue was only settled satisfactorily to the Scottish Office line, after long Cabinet Committee meetings and a final decision taken at Cabinet level.<sup>9</sup> Quite apart from the ministerial effort, the round-the-clock work of two top-level civil servants in the Scottish Office's newest department, the Scottish Economic Planning Department, merited the gratitude of all concerned with the future of that part of the motor-car industry and Scotland's economic prospects.

The Scottish Economic Planning Department — formed in 1973 — has been considerably strengthened since the Secretary of State took over in 1975 from the Industry Department, powers to make discretionary grants to industry. It now has

working beside it in Glasgow the Scottish Development Agency, appointed by the Scottish Secretary under the Industry Act 1974, with considerable power to assist, participate in and establish industries. This process of administrative devolution is not without dangers. It is not merely a question of overloading the Secretary of State by the accumulation of new functions and the transfer of duties from U.K. ministers. Ministerial control is stretched for there has also been an intensification of Parliamentary and Government Committee work. The growing danger is that of unchecked bureaucracy. Fears have been expressed that the fast expansion of the civil service in a small country can lead to the dilution of quality in the administration. An efficient bureaucracy is one thing, a second rate bureaucracy is a disaster. Long before I became Secretary of State for Scotland I served on the old Estimates Committee of the Commons which probed in depth the Estimates of all government departments. There is no doubt that by any test of knowledge of their subject, incisive defence of their Estimates and clarity of explanation, Scottish civil servants were impressive. My experience as a minister confirmed that earlier judgment. The Scottish Office still attracts and retains its share of able young Scots. Of course they make mistakes. Then it is for the Secretary of State to take the blame. When they are under attack the Minister must defend them. It is his policy they are carrying out.

It is a widely held view that the civil service runs the country. To a certain extent that is and should be so. Provided always that is the Secretary of State and his Ministers who lay down and oversee the policy. It is they who must take the decisions. The civil servants will advise them, caution them and sometimes try to hurry them. I've found that the Civil Service prefers decisive Ministers. Once the decision is taken, whether or not it is in accordance with their advice, they will loyally act upon it. Our protection against bureaucracy in Scotland is a strong Secretary of State, a good team of Ministers, alert MPs, and the continued high quality of the civil service. The Scottish Office with 10,800 civil servants and Supply Estimates for 1976/7 of £2,282 millions is no ministerial sinecure.

The Secretary of State has been called the Voice of Scotland — the man who has to speak up for Scotland in the Cabinet. It was Lord Birkenhead who wrote that the Secretary of State for Scotland represented not a department but a country. That is true in the widest sense. He has to watch that Scotland's

interests are taken fully into account before any decision is reached, ensure that Scotland gets a share of the national resources in accordance with its needs. There used to be a static formula — eleven-eightieths of what went to England and Wales went to Scotland. The figures show that Secretaries of State have been successful in this. As a result of recent nationalist controversies figure after figure has been revealed in Parliament. If Scots did not take note, English MPs did. English backlash, so-called, is explicable by the past success of that Voice making itself heard, long before there were more chauvinistic urgings.

The task of seeing that Scottish legislation gets its place in the government's programme and a mention in the Queen's Speech is easier than some of the Secretary of State's other tasks. Even though governments are always short of parliamentary time, with the use developed through the years of the Scottish Grand and Standing Committees for purely Scottish Bills, Scottish Office legislation stands a better chance than most of being brought forward. Even at that, Scottish Ministers must join battle within and between Scottish Departments for their own Bills. In the end it is the Secretary of State who must decide the Scottish priorities.

In pursuit of decisions which he considers vital to Scotland The Secretary of State has two further rights. He has direct access to the Prime Minister. That he will use sparingly. The other he can use only once. He can resign. Threat of resignation, if used too often, is a wasting asset. So the Secretary of State must pick carefully what he considers resigning issues.

Although Scotland's minister is in the Cabinet by virtue of his office, he must use his judgment and express his opinion on matters that have little to do with his own department. His breadth of experience, handling in Scotland so many varied functions, gives him, more than most departmental cabinet ministers, an idea of what may be the overall effect of a particular proposal. He can appreciate what may well be the conflicting points of view of each of the individual ministers whose combined portfolios are but a part of his own. His judgment tends to be more fully informed and better balanced. The advice of the Secretary of State is listened to outside Scottish affairs. Yet one of the constant tasks of a Scottish Secretary is to educate his English colleagues. Not all of them, before they become ministers, are fully aware of the range of Scottish Office functions.

One ex-minister, now deceased, described his office as 'a bed of nails'. Well, at least he had a bed! I can understand why one occupant of the office of Secretary of State described it as "a special kind of hell" — but perhaps he was not there long enough to get used to it! A Secretary of State must delegate. Now with two Ministers of State and three Under Secretaries of State he has a considerable team. How he divides the work amongst his junior ministers he can decide himself. But no matter how much he delegates to others, he is, by statute, ultimately responsible for all decisions made and actions taken in his name.

The demands on his time are heavy and continuous. He travels over 1,000 miles a week within Scotland and to London. Each morning brings a heavy mail, official and unofficial, from organisations and individuals all over the country. Letters from his constituency and from his political party are set aside to be dealt with by the Secretary of State himself or his personal secretary. As for the rest, a ruthlessly protective Private Office sorts it out and determines what should be seen by the Secretary of State. Letters from MPs, for example, must be put before him before they go to the appropriate department for action. The Secretary of State has a Private Office in St. Andrews House, Edinburgh, and in Dover House in London. The two are in constant and direct communication. The link-man is the Principal Private Secretary. He keeps them posted about the Secretary of State's whereabouts even in the rare moments when he is off-duty. Wherever the Secretary of State goes on official duty the Principal Private Secretary accompanies him, usually with a bag of official papers for him to read and comment on, and letters or documents for urgent signature. His other pre-occupation is to get his chief away on time for his next engagement and to ensure that all the relevant papers he will need are there.

The organisation of the Scottish Office and its network of direct communications have amply overcome the obvious problem of a Minister working 400 miles from his Edinburgh base. Even in his analysis of the problems of dispersing offices from London Sir Charles Hardman had to admit that the Scottish Office worked. Occasionally briefing papers arrive giving the Secretary of State little time to digest them before a meeting. But if the meeting, perhaps a Cabinet, is all important the necessary officials are brought down to Dover House. The



Secretary of State's office is happily sited for important meetings. The Privy Council Office is just next door: the Cabinet Office next again and No. 10 is round the corner. So between meetings Scottish ministers can step back to Dover House for a quick discussion with waiting officials; or tackle that ever flowing tide of paper.

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For his parliamentary work the Secretary of State for Scotland has a single-room office in the House of Commons, on the Ministerial Floor beneath the Chamber. It is usually here when Parliament is sitting that the Secretary of State is to be found in the afternoon and late into the night. Here he foregathers with his P.P.S., meets delegations to the Commons, and sees MPs who want to discuss constituency problems with him. These appointments are usually arranged by the P.P.S. The Parliamentary Private Secretary — to give him his full title — is all important to the Secretary of State in his relations with Scottish members — particularly with his own back-benchers. He is the Minister's eyes and ears in the Commons. He is selected by the Minister himself, is unpaid, and requires special gifts of tact, candour and patience. Very often he is a young MP whose experience as P.P.S. gives him his first insight into the inner workings of Government. This may prove helpful in his future parliamentary career. Or it may be a more mature member who has the respect of his colleagues and whose loyalty and dependability gives him the right to be blunt and forthright with his Minister. I have benefitted from the service of men of both categories.

Regular meetings with his ministerial team, which includes the Scottish Whip, with or without officials, are essential to the smooth running of the Scottish Office. Current Parliamentary business, forthcoming legislation, departmental questions and problems can be aired and shared. Junior ministers must be kept as fully informed of events as possible and brought into government thinking. Personality clashes are inevitable, but open discussion and fair dealing from the top can ease the situation and ensure that the efficacy of the ministerial team is not affected. Much has been said and written about the burden upon Secretaries of State. The lot of the Scottish Junior Minister merits some attention. We have never yet lost a

Secretary of State in office by illness or death. The statistics for Under Secretaries are not so heartening. Until the Sixties the Secretary of State (as indeed, every Scottish MP) was a member of the Scottish Grand Committee which dealt with the committee stage of Scottish legislation. At least two ministers then shared the burden and battle of a Bill. Now Scottish Bills are dealt with by a much smaller Standing committee with one minister in command, either the Minister of State or one of the Under Secretaries. It is an exacting task. Junior ministers of other departments seldom face Standing Committees of Bills on their own. Once the Bill comes back to the floor of the House, the Secretary of State must participate in 'Report' and '3rd Reading' stage of the Bill.

There are some duties which the Secretary cannot leave to others. When it comes to considering whether to free, under licence, a prisoner who has been sentenced to life imprisonment, then only the Secretary of State can decide. He has, in each case, no lack of reports and opinions from local prisons committee, from the Parole Board, from the sentencing judge if he is still available, and from the department. But it is the Secretary of State who must make the decision. This is one of the most onerous and difficult responsibilities that falls on the Scottish Secretary. I preferred to leave these decisions till late in the evening in the House when peace and quiet was reasonably assured and the only interruption usually came from the never idle Private Secretary calling to collect finished papers and hopefully leave another batch for attention.

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Of late another complexity has entered the life of the Secretary of State for Scotland. The European Economic Community. We are in it. Scotland voted to stay in it. It is to the Secretary of State that Scots look to see that Scotland's special interests are fully represented, known and taken into account in Brussels. This has meant seconding staff to the Commission, having the Scottish Office represented on the U.K.'s permanent staff, and constant contact between that staff and Scotland and all its interests. It means ministerial visits for preliminary meetings and when the issues are of importance to Scotland, affecting, say, fishery or agricultural policy, the Secretary of State may attend the Council of Ministers. Already the Scottish



Secretary is all too familiar with the predictable delays and exasperations of E.E.C. routines. Arrangements exist for Scottish representation. Whether they can or should be formalised depends very much on the development of the Community itself as well as on what happens under any devolution settlement. Personally I think that to divide is to weaken. It is already noticeable, that while close contact between the Department of Agriculture and Scottish farmers has been maintained under the Common Agricultural Policy of the E.E.C., the pressure has moved from Edinburgh to Brussels. It tends to return, however, when the decisions on the Common Agricultural Policy disappoint. Then once again the Scottish National Farmers Union look to the Secretary of State. Will Direct Elections change that? Not while power in the E.E.C. rests with the Council of Ministers. If that did change — and many, including myself would deplore it — then the role of the Secretary of State would change. The Department of Agriculture would be less affected but the Secretary of State would become the agent of the Commission.

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The Secretary of State has to perform certain non-political duties. When the Queen is in Scotland and moving outwith Edinburgh he is "The Minister in Attendance". If, as she did again this year, she visits the General Assembly herself, he takes over the role of Pursebearer. As a member of the Privy Council he can be summoned to attend a Council usually at the Palace if the Queen is in London, sometimes at Windsor; and if she is in Scotland, at Balmoral. Never onerous, these duties can be a relaxing break from routine, though the tide of paper rises in the Secretary's absence. Under one of the most recent transfers of functions the Secretary of State took over Ancient Monuments and Royal Parks and Palaces in Scotland. This includes Edinburgh Castle and it is here that the Secretary of State acts as host at state banquets and government receptions.

Whether the Secretary of State for Scotland likes it or not he must concern himself with the Press and Television. Controlling such a wide range of government offices it is inevitable that, in Scotland, he gets more press coverage than most of his Cabinet colleagues. Almost daily there flows from the Scottish Information Office in St. Andrew's House a stream of press

notices covering statements by ministers, Departmental reports, and straight news and public information from all departments of the Scottish Office. The Scottish Information Office has an outpost in Dover House to handle the more specialised governmental and parliamentary side of the Secretary of State's work. Press conferences with the Scottish Lobby follow the publication of important Bills, White Papers and statements in the House. For the most part these are "on the record". The Scottish Office is not given to the 'nod and wink' authoritative leak. The Scottish Press is not amenable to 'management' even in some notable cases when it is being guided towards the truth. The Press often prefers political speculation to certainty. I should know. I was the subject of it for years when my capacity for survival rivalled theirs for constant prediction of my political demise. It is amazing how ill-informed or misled perhaps, the political pundits can be. Inevitably there are requests for special interviews. In granting these the Secretary of State must be fair to all and not play favourites. When a paper is after a story there is little they will stop at. Standing in the porch of our local church being photographed with my daughter who had just been married, I was approached by a reporter seeking a comment on a speech by another minister. He got a comment — but I doubt if it was the one his news editor expected. It is almost impossible for a Secretary of State to be off duty in Scotland, repeated appearances on television ensure this disadvantage. His face soon becomes "weel kent" — better known than his name — and wherever he goes he is recognised. Undoubtedly the biggest handicap of his post is the restriction it places on family life.

There are times when the Secretary of State finds it helpful to have a small reception or meal with a specialised group — it may be the editors and the managers of TV in Scotland, or the university principals — and have a frank exchange of views in private. Edinburgh hotels are not the most private places in the world. On the initiative of Sir Leonard Paton — a London Scot — and as a result of the generosity of the Marquess of Bute, Bute House, in Charlotte Square, Edinburgh, was acquired by the Treasury from the Marquess of Bute and then made available in 1966 as an official residence for the Secretary of State for Scotland. Here he can entertain, meet visiting dignitaries and relax, enjoy a little privacy . . . and prepare for the next day.

It is a tough post for the expectations of Scots are still "approaching to the Archangelic". Few men who have held it have taken other ministerial positions offered them. For the Scot it is the top; any other job would be dull indeed after the hectic, crisis-ridden life as Scotland's Secretary of State. The post has changed beyond all recognition since 1885. The Secretary of State now has a new St. Andrew's House in Edinburgh. His Cabinet status is assured. But has his office a future? Devolution within the United Kingdom is the next logical step. But Scotland's voice will still be needed in the Cabinet of the U.K. government and further afield in Europe.

#### REFERENCES

1. Royal Commission on the Constitution 1969-73. (Chairman Lord Kilbrandon) (Cmnd. 5760).
2. See Appendix 4 for description of present responsibilities and structure.
3. For a more detailed account see H. J. Hanham "The Creation of the Scottish Office 1881-7". *The Judicial Review*, Vol. 10 (New Series) 1965.
4. Report on Scottish Administration 1937 (Cmnd. 5563).
5. Royal Commission on Scottish Affairs 1951-1954 (Cmnd. 9212).
6. Sir Alec Douglas Home was Prime Minister of Great Britain between October 1963 and October 1964.
7. *Report of the Committee on Local Development in Scotland*, Scottish Council (Development & Industry) 1952.
8. *Report of the Committee of Inquiry into the Scottish Economy*, Scottish Council (Development & Industry) 1961.
9. Chrysler (UK) had threatened to close its British car plants. The closure of its factory at Linwood near Glasgow would have greatly increased unemployment in the West of Scotland.